

REMARKS

Claims 19-33 have been canceled without prejudice or disclaimer. Claims 34-53 have been added and therefore are pending in the present application. Claims 34-53 are supported by claims 19-33.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Objection to Claims 28-33

The Office objected to claims 28-33 for improperly depending on claims 30-35, respectively. Claims 28-33 have been canceled. Therefore, this objection is rendered moot.

II. The Rejection of Claims 19-33 under 35 U.S.C. 103

Claims 19-33 are rejected under 35 U.S.C. 103 as being unpatentable over De Lima et al. (U.S. Patent No. 6,136,772) or Harz et al. (U.S. Patent No. 5,972,669) or Lassen et al. (U.S. Patent No. 6,060,298) in view of Linton et al. (U.S. Patent No. 4,859,485) and Akhtar (U.S. Patent No. 5,750,005). This rejection is respectfully traversed.

De Lima et al., Harz et al. and Lassen et al. disclose enzymatic animal feed compositions comprising a phytase.

However, none of these references do not teach or suggest animal feed compositions comprising corn steep liquor, as claimed herein.

Linton et al. and Akhtar disclose non-enzymatic compositions comprising corn steep liquor.

However, neither of these references teaches or suggests adding corn steep liquor to enzymatic animal feed compositions comprising a phytase.

Moreover, none of the cited references suggests that corn steep liquor would stabilize an enzymatic animal feed composition comprising a phytase, as demonstrated in the examples of the instant specification. Since the demonstrated superior property is not predicted by the prior art, the showing overcomes any assertion of obviousness based on the cited art.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 19-33 under the Doctrine of Obviousness-Type Double Patenting

Claims 19-33 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,610,519.

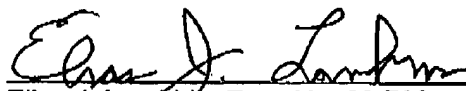
Applicants will submit a terminal disclaimer upon an indication of allowable subject matter.

IV. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: January 6, 2005



Elias J. Lambiris, Reg. No. 33,728
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212) 840-0097